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In the Supreme Court of the United States

OCTOBER TERM, 1961

No. 801

ALMERTHA WILLIAMS,
Petitioner,

vs.

DEWEY WILLIAMS,
Respondent.

BRIEF ON BEHALF OF RESPONDENT
In Opposition to Petition For Writ of Certiorari.

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THE GATES LEGAL PUBLISHING CO. CLEVELAND, OHIO—MAIN 1-8647

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The Separation Agreement mentioned in the jurisdictional statement of the petitioner included a property settlement, in that, the respondent herein agreed to convey his interest in the said property to the petitioner in consideration of Four Thousand Five Hundred ($4,500.00) Dollars, and not for alimony.

At no place in the jurisdictional statement is there shown that any federal question was raised, referred to, suggested or even intimated in any of the proceedings in any of the State Courts.

The rules of this Court provide that if review of the judgment of a state court is sought, the statement of the case shall also specify the stage in the proceedings in the court of first instance and in the appellate court, at which, and the manner in which, the federal questions sought to be reviewed were raised; and the way in which they were passed upon by the court; as will show that

the federal question was timely and properly raised so as to give this Court jurisdiction to review the judgment on writ of certiorari.

There is a long line of decisions holding that before the United States Supreme Court will review a decision of a state court it must affirmatively appear from the record that a federal question was presented to the highest court of the state having jurisdiction, and that its decision was necessary to its determination of the cause; and where state decision might have been either on state or federal ground and state ground is sufficient to sustain the judgment, United States Supreme Court will not review the decision. *DeSaussure vs. Gaillard*, 127 U. S. 216; *Lynch et al. vs. New York ex rel. Pierson*, 293 U. S. 52; *United State ex rel. Herge vs. Commonwealth of Pennsylvania et al.*, 89 Federal Supplement 636; *Citizens Bank of Michigan City, Indiana vs. Opperman*, 249 U. S. 448; *Whitney vs. California*, 274 U. S. 357; *New York ex rel. Cohen vs. Graves et al.*, 300 U. S. 308.

Further, the statement of petitioner does not show any "special and important reasons" why this Court should grant the writ of certiorari. In the case of *Rice vs. Sioux City Memorial Park Cemetery, Inc. et al.*, 349 U. S. 70 the court spoke as follows:

> (a) This Court does not sit for the benefit of particular litigants. (Page 74.)
>
> (b) "Special and important reasons" imply a reach to a problem beyond the academic or the episodic. (Page 74.)
>
> (d) It is important that this Court be consistent in not granting the writ of certiorari except in cases involving principles, the settlement of which is of

importance to the public, as distinguished from that of the parties. (Page 79.)

Clearly the jurisdictional statement of the petitioner does not bring this matter within the jurisdiction of this Court.

Respectfully submitted,

CLAYBORNE GEORGE,

Attorney for Respondent.